

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PHYLLIS EZELL

27591 Mills Avenue, Unit D
Euclid, Ohio 44132

Plaintiff,

V.

**GLOBAL CREDIT & COLLECTION
CORPORATION**

c/o Phillips Lytle, LLP
3400 HSBC Center
Buffalo, New York 14203-2887,

Defendant.

) Case No: 1:12-cv-2506
)
) JURY DEMAND REQUESTED
)
) **CIVIL COMPLAINT**
) **(Unlawful Debt Collection Practices)**
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COMPLAINT

PLAINTIFF, Phyllis Ezell (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, Global Credit & Collection, Corporation (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Euclid, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 *U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in 15 *U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a New York corporation and debt collector with an office in Williamsville, New York.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 *U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant, using telephone number 877.241.7841, places frequent, repeated, and excessive telephone calls to the Plaintiff at telephone number 216.731.3529 in an attempt to collect an allegedly due and owed consumer debt obligation.
11. Defendant places collection calls to Plaintiff 3 to 4 times per day, including on Sundays and on holidays, seeking to collect the alleged debt.

12. Defendant has placed collection calls to Plaintiff at times known to be inconvenient to her, including before 8:00 AM.

13. Plaintiff has explained to Defendant several times that she is unemployed and unable to pay the debt, yet Defendant continues to repeatedly and frequently call her seeking to collect the debt with the intent of annoying or harassing the Plaintiff.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- c. Defendant violated §1692c(a)(1) by, without the prior direct consent of the consumer, communicating with the consumer at any unusual time or place or a time and place known to be inconvenient to the consumer, including before 8:00 AM and after 9:00 PM local time at the consumer's location.

WHEREFORE, Plaintiff, Phyllis Ezell, respectfully requests judgment be entered against Defendant, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Phyllis Ezell, request a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ David W. Skall

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